

### **REMARKS**

Claims 1-14 are pending in the present application. Claim 1 is herein amended. New claims 10-14 have been added.

#### **Double Patenting**

Claims 1-9 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 11/512,230.

Applicants will address this provisional rejection once all other rejections have been withdrawn.

#### **Claim Rejections - 35 U.S.C. §§ 102 and 103**

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over **Kimura** (US 5,026,800). Favorable reconsideration is requested.

Applicants respectfully submit that Kimura does not teach or suggest an oval-spherical organic polymer particle having a single continuous curved surface “being produced by solution polymerization in water, a water-soluble organic solvent or a mixed solvent of water and a water-soluble organic solvent” as recited in amended claim 1.

Kimura discloses a polymer particle having a sausage-like shape. However, as shown in Examples 8 and 9, the sausage-like particles are only produced by suspension polymerization in a hydrophobic organic solvent such as cyclohexane and water. Therefore, Kimura does not teach or suggest the oval-spherical organic polymer particle as recited in amended claim 1.

**New Claims**

Kimura does not teach or suggest an oval-spherical organic polymer particle having a single continuous curved surface produced by solution polymerizing a first organic monomer with a second organic monomer wherein:

the first organic monomer is at least one selected from the group consisting of salts of styrenesulfonic acids, salts of styrenecarboxylic acids, salts of (meth)acrylic acid, salts of (meth)acrylate carboxylic acids, salts of (meth)acrylate sulfonic acids, salts of vinylsulfonic acids, salts of vinylcarboxylic acids, salts of (meth)acryl sulfonic acids, and salts of (meth) acrylic carboxylic acids

as recited in new claim 10.

Kimura discloses a sausage-like polymer particle prepared by polymerizing sodium acrylate, acrylic acid and N,N'methylene-bisacrylamide. Therefore, Kimura does not teach or suggest an oval-spherical polymer particle as recited in new claim 10.

For at least the foregoing reasons, claims 1-14 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1-9 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/591,404  
Art Unit: 1796

Amendment under 37 CFR §1.111  
Attorney Docket No.: 062951

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'A. Melick', is positioned above the printed name of the attorney.

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